

Giovanni Marotta

Name

1717 Pennsylvania Avenue NW Suite 1025

Address

Washington D.C. 20006

City, State, Zip

+1-202-559-9148

Phone

giovanni.marotta@childabductioncourt.org

Email

I am ☒ Plaintiff/Petitioner ☐ Defendant/Respondent  
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: \_\_\_\_\_)

**[ ] This is a private record**FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

OCT 04 2019

D. MARK JONES, CLERK

BY

DEPUTY CLERK

Check your email. You will receive information and documents at this email address.

In the ☒ District ☐ Juvenile ☐ Justice Court of Utah

Court Address: 351 South West Temple, Rm. 1.100 Salt Lake City, Utah 84101

STEPHAN SCHURMANN

Plaintiff/Petitioner

v.

JUBILIE ANQUI

Defendant/Respondent

**Motion to**

Compel Compliance with Subpoena

(name of motion)

**[ X] Hearing Requested**

Case Number 2:19-cv-00245

Judge Dee Benson

1. I ask the court to enter an order as follows:  
 (Write **what** you want the court to order.)

Seeks an order compelling Jubilie Anqui, Jonathan Tedrick, and Bradley Carr to respond to a Subpoena<sup>1</sup> and provide information including to reproduce a **LEGALLY VALID CHILD CUSTODY ORDER** Respondent Anqui manifest to have over D.S.S., and all **Adoption Documents** they may have (all Respondents) in their possession regarding the threatened adoption and name change of Petitioner's child D.S.S.

2. I ask for this order because:

(Explain **why** you want the court order. Attach additional sheets if needed.)

According to Utah Rule of Civil Procedure section 45 subsection **e (2)** is established that ***"(...)the subpoena must be allowed at least 14 days after service to comply"***. It has been more than 60 days, more than enough reasonable time Respondents has had to be able to comply with the law. In the same token, subsections **(g)** and **(h)**<sup>2</sup> from the same Rule established the consequences of failure by any person in not obeying a Subpoena.

In consequence, not complying with a Subpoena Request is to perform the typically, forbidden, and unlawful conduct of Contempt of Court. Described in Title 78B Chapter 6 Part 3 Section 301-subsection 10, and 303 Utah Code

3. ☒ [X] The motion is supported by the law because:

(List any statutes, ordinances, rules or appellate opinions that support/oppose the motion. For example, Utah Code 15-1-201, or Utah Rules of Civil Procedure 67. Explain why they support the motion.)

Utah Rule of Civil Procedure section 45 subsection e(2), (g), (h), Utah Code Title 78B Chapter 6 Part 3 Section 301-subsection 10, and section 303<sup>3</sup>.

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<sup>1</sup> Filed on July 22<sup>nd</sup> 2019 (Exhibit A)

<sup>2</sup>Rule 45 Subpoena: **(g) Contempt**. Failure by any person without adequate excuse to obey a subpoena served upon that person is punishable as contempt of court. **(h) Procedure when witness evades service or fails to attend**. If a witness evades service of a subpoena or fails to attend after service of a subpoena, the court may issue a warrant to the sheriff of the county to arrest the witness and bring the witness before the court.

<sup>3</sup>**78B-6-303. Warrant of attachment or commitment order to show cause**. If the contempt is not committed in the immediate view and presence of the court or judge, a warrant of attachment may be issued to bring the person charged to answer. If there is no previous arrest, a warrant of commitment may, upon notice, or upon an order to show cause, be granted. A warrant of commitment may not be issued without a previous attachment to answer, or a notice or order to show cause.

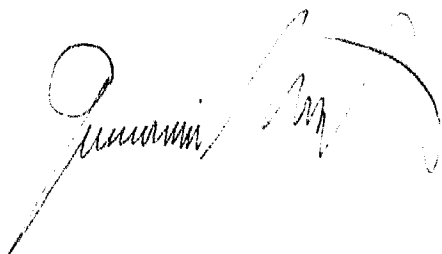
4. ☒ I request a hearing.  
[ ] I do not request a hearing.
5. ☒ I have attached the following documents in support of this motion:

**MOTION TO COMPEL COMPLIANCE WITH SUBPOENA**

**dated October 2<sup>nd</sup> 2019**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at Washington D.C. 20006 (city, and state or country).



Signature ► \_\_\_\_\_

Printed Name ► Giovanni Marotta

Date ► October 2<sup>nd</sup> 2019

**Notice to responding party**

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

**Aviso para la parte que responde**

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms:  
[www.utcourts.gov/howto/filing/motions](http://www.utcourts.gov/howto/filing/motions)

#### **Finding help**

The court's Finding Legal Help web page ([www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/)) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:  
[www.utcourts.gov/howto/filing/motions](http://www.utcourts.gov/howto/filing/motions)

#### **Cómo encontrar ayuda legal**

La página de la internet del tribunal Cómo encontrar ayuda legal ([www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/)) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.

**Certificate of Service**

I certify that I filed with the court and am serving a copy of this Motion on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_ Signature ► \_\_\_\_\_  
 Date \_\_\_\_\_  
 Printed Name \_\_\_\_\_